Calendar No. 571

100TH CONGRESS
2d Session

SENATE

REPORT
100-294

NATIONAL MINING HALL OF FAME AND MUSEUM

MARCH 2, 1988.—Ordered to be printed

Mr. BYRD (for Mr. BIDEN), from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 450]

The Committee on the Judiciary, to which was referred the bill (S. 450) to recognize the organization known as the National Mining Hall of Fame and Museum, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE

The bill, S. 450, would grant a federal charter to the organization known as the National Mining Hall of Fame and Museum.

II. LEGISLATIVE HISTORY

S. 450, a bill to grant a Federal Charter to the National Mining Hall of Fame and Museum, was read twice on February 3, 1987, and referred to the Senate Committee on the Judiciary. On February 4, 1988, the bill was ordered to be reported favorably without amendment to the floor.

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III. Discussion

The National Mining Hall of Fame and Museum was incorporated in the State of Colorado in 1977. The executive board of the National Mining Hall of Fame and Museum recently selected Leadville, Colorado, as its new national headquarters. Leadville is located high in the Rocky Mountains and is known throughout the Nation as one of the richest mining camps ever developed.

This is the only museum of its kind in the Nation dedicated solely to the mining industry. The primary purpose of the organization is to educate the American public about mining. The mission of the museum is to:

1. Honor the memory of those who contributed to the domestic mining industry;
2. Recapture the romance and tumult of the boom years; and
3. Offer to the public a comprehensive library of the industry, by maintaining a repository of documents and reports which will contribute to the mining industry's future.

This legislation is endorsed by the American Mining Congress and the U.S. Bureau of Mines.

IV. Committee Vote

On February 4, 1988, with a quorum present, by voice vote and without objection heard, the Committee on the Judiciary ordered the bill favorably reported.

V. Text of Bill

[S. 450, 100th Cong., 1st Sess.]

A BILL To recognize the organization known as The National Mining Hall of Fame and Museum

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

Section 1. The National Mining Hall of Fame and Museum, organized and incorporated under the laws of Colorado, is hereby recognized as such and is granted a charter.

POWERS

Sec. 2. The National Mining Hall of Fame and Museum (hereafter in this Act referred to as the "corporation"), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

Sec. 3. The objects and purposes of the corporation are those provided in its articles of incorporation including—

(1) to honor citizens, mining leaders, miners, prospectors, teachers, scientists, engineers, inventors, governmental leaders, and other individuals, who have helped to make this Nation great by their outstanding contributions to the establishment,

development, advancement, or improvement of mining in the United States of America;

(2) to perpetuate the memory of such individuals and record their contributions and achievements by the erection and maintenance of such buildings, monuments, and edifices as may be deemed appropriate as a lasting memorial;

(3) to foster, promote, and encourage a better understanding of the origins and growth of mining, especially in the United States, and the part mining has played in changing the economic, social, and scientific aspects of our Nation;

(4) to establish and maintain a library and museum for collecting and preserving for posterity, the history of those honored by the corporation, together with a documentation of their accomplishments and contributions to mining, including such items as mining pictures, paintings, books, papers, documents, scientific data, relics, mementos, artifacts, and things relating to such items;

(5) to cooperate with other mining organizations which are actively engaged and interested in similar projects; and

(6) to engage in any and all activities incidental thereto or necessary, suitable, or proper for the accomplishment of any of the purposes set forth in this section.

MEMBERSHIP

SEC. 4. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 5 The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 6. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States wherein it is incorporated.

RESTRICTIONS

SEC. 7. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, sup-

port, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) The corporation shall retain and maintain its status as a corporation organized and incorporated under the laws of the State of Colorado.

LIABILITY

SEC. 8. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SERVICE OF PROCESS

SEC. 9. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitiled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(60) The National Mining Hall of Frame and Museum".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954.

TERMINATION

SEC. 16. If the corporation fails to comply with any of the restrictions or other provisions of this Act, the charter granted by this Act shall expire.

VI. CBO COST ESTIMATE

In compliance with paragraph 11(a), rule XXVI of the Standing Rules of the Senate, the committee estimates that enactment of this legislation will involve no direct additional expenditure to the Government. The committee notes the following letter from the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 25, 1988.

Hon. JOSEPH R. BIDEN, JR.,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 450, a bill to recognize the organization known as The National Mining Hall of Fame and Museum, as ordered reported by the Senate Committee on the Judiciary, February 4, 1988. CBO estimates that no cost to the federal government or to state or local governments would result from enactment of this bill.

The National Mining Hall of Fame and Museum is a nonprofit corporation presently organized under the laws of the State of Colorado. S. 450 grants the corporation a federal charter and recognizes its tax-exempt status. The corporation will continue to operate pursuant to its articles of incorporation filed in the state and the constitution and bylaws of the corporation. The bill places restrictions on some activities of the corporation, provides for annual audits of its accounts by independent certified or licensed public accountants, and requires an annual report to be submitted to the Congress.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

C.G. NUCKOLS
(For James L. Blum, Acting Director.)

VII. Regulatory Impact Statement

In compliance with paragraph 11(b), rule XXVI of the Standing Rules of the Senate, the committee has concluded that this legislation does not create any new regulations with which the public must comply.

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